

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

<b>Comcast of Southern New England, Inc.</b>	)	<b>Case No.: 1:05-cv-10869 WGY</b>
	)	
Plaintiff,	)	<b>PLAINTIFF'S REQUEST</b>
	)	<b>FOR ENTRY OF DEFAULT</b>
vs.	)	
	)	
<b>Michael DeSouza</b>	)	
	)	
Defendant	)	
	)	
	)	

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Now comes the Plaintiff Comcast of Southern New England, Inc. (hereinafter "Comcast" or the "Plaintiff") in the above-entitled action and requests this Honorable Court to enter a default against Defendant Michael DeSouza (hereinafter the "Defendant"), in this action.

As reasons therefore, the Plaintiff states that Defendant has failed to appear, has failed to serve a responsive pleading, and has failed to otherwise defend against the Plaintiff's claims, pursuant to Rule 12 of the Fed. R. Civ. P.

**WHEREFORE**, the Plaintiff respectfully requests that this Honorable Court enter a default against Defendant. The Affidavit of Plaintiff's Attorney reciting compliance with Rule 12 and Rule 55 of the Fed. R. Civ. P. is annexed hereto and made a part hereof.

Respectfully Submitted for the Plaintiff,  
Comcast of Southern New England, Inc.  
By Its Attorney,

9/1/2005  
Date

/s/ John M. McLaughlin  
John M. McLaughlin  
**Green, Miles, Lipton & Fitz-Gibbon LLP**  
77 Pleasant Street  
P.O. Box 210  
Northampton, MA 01061  
Telephone: (413) 586-0865  
BBO No. 556328

**CERTIFICATE OF SERVICE**

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 1<sup>st</sup> day of September, 2005, a copy of the foregoing Request for Default was mailed first class to:

Michael DeSouza  
12 Wordell Street  
South Dartmouth, MA 02748

/s/ John M. McLaughlin  
John M. McLaughlin, Esq.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

<b>Comcast of Southern New England, Inc.</b>	)	<b>Case No.: 1:05-cv-10869 WGY</b>
	)	
<b>Plaintiff,</b>	)	<b>AFFIDAVIT OF ATTORNEY FOR</b>
	)	<b>PLAINTIFF'S REQUEST</b>
<b>vs.</b>	)	<b>FOR DEFAULT</b>
	)	
<b>Michael DeSouza</b>	)	
	)	
<b>Defendant</b>	)	
	)	
	)	
	)	

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Now comes John M. McLaughlin, Attorney for the Plaintiff in the above-entitled action, and, on oath, states the following:

1. On 4/28/2005, the Plaintiff filed a Complaint against the Defendant, **Michael DeSouza**, in United States District Court, alleging violations of 47 U.S.C. § 553.
2. On 5/6/2005, the said Defendant was served **by delivering at last and usual place of abode, by Deputy Sheriff Paul M. Douglas** (see copy of Deputy Sheriff's Return of Service marked **Exhibit A**, attached hereto, and made a part hereof).
3. Pursuant to the provisions of Rule 12 of the Fed. R. Civ. P., the Defendant had twenty days after being served with the summons and complaint within which to serve an answer to Plaintiff's Complaint.
4. To date, the Defendant has failed and neglected to file an answer to Plaintiff's Complaint or to otherwise defend against Plaintiff's claims.
5. I have filed herewith an application for entry of default, with the request that a Notice of Default be entered by this Court.

6. I have attached a Form of Order entitled Notice of Default, for the Court's use if it shall determine that the said Defendant is in default.

Subscribed and sworn to, under the pains and penalties of perjury, this 1<sup>st</sup> day of September, 2005.

Respectfully Submitted for the Plaintiff,  
Comcast of Southern New England, Inc.  
By Its Attorney,

/s/ John M. McLaughlin  
John M. McLaughlin  
**Green, Miles, Lipton & Fitz-Gibbon LLP**  
77 Pleasant Street  
P.O. Box 210  
Northampton, MA 01061  
Telephone: (413) 586-0865  
BBO No. 556328

UNITED STATES DISTRICT COURT

District of Massachusetts

Comcast of Southern New England Inc

V.

Michael DeSouza

SUMMONS IN A CIVIL CASE

CASE NUMBER:

05-10869 WGY

TO: (Name and address of Defendant)

Michael DeSouza  
12 Wordell Street  
South Dartmouth, MA 02748

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John M. McLaughlin  
Green Miles Lipton & Fitz-Gibbon  
77 Pleasant Street  
P.O. Box 210  
Northampton, MA 01061

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.



SARAH A. THORNTON

CLERK

(By) DEPUTY CLERK

DATE

4-2805





**Bristol County Deputy Sheriffs' Office • P.O. Box 8928 • New Bedford, MA 02742-0928 • (508) 992-6631**

**Bristol, ss.**

May 16, 2005

I hereby certify and return that on 5/6/2005 at 08:37 am I served a true and attested copy of the Summons and Complaint, CA Cover Sheet, Disclosure Stmt., Case Cover Sheet in this action in the following manner: To wit, by leaving at the last and usual place of abode of Michael DeSouza, 12 Wordell Street South Dartmouth, MA 02748 and by mailing first class mail to the above mentioned address on 5/6/2005. Copies (\$4.00), Conveyance (\$0.75), Travel (\$23.00), Basic Service Fee (\$20.00), Postage and Handling (\$3.25), Attest Fee (\$10.00) Total Charges \$61.00

Deputy Sheriff Paul M Douglas

Deputy Sheriff

☐ Other (specify): \_\_\_\_\_

#### STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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#### DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

<b>Comcast of Southern New England, Inc.</b>	)	<b>Case No.: 1:05-cv-10869 WGY</b>
	)	
<b>Plaintiff,</b>	)	<b>ORDER FOR NOTICE OF REQUEST</b>
	)	<b>FOR DEFAULT</b>
<b>vs.</b>	)	
	)	
<b>Michael DeSouza,</b>	)	
	)	
<b>Defendant</b>	)	
	)	
	)	
	)	

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Upon application of the Plaintiff for an order of default for failure of the Defendant to plead or otherwise defend, as provided by Rule 55(a) of the Federal Rules of Civil Procedure, notice is hereby given that the Defendant has been DEFAULTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BY THE COURT

\_\_\_\_\_  
Deputy Clerk